

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v.-

ROBERT EGAN,

Defendant.

- - - - - x

**USDC SDNY
DOCUMENT
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DATE FILED: 01/18/2012**

ORDER

No. 10 Cr. 191 (JFK)

On January 17, 2012, the Court entered twenty-eight (28) stipulations and orders settling petitions filed by various petitioners (the "Settlement Stipulations") asserting an interest in the \$18,076,702.72 in remaining United States currency seized from Mount Vernon Center locations at 44 N. Saw River Road, Elmsford, New York and 403 East 3rd Street, Mount Vernon, New York (the "Remaining Seized Currency").

As set forth in the table below, pursuant to the Settlement Stipulations, the following petitions have been settled in the amounts indicated:

SETTLING PETITIONERS	SETTLEMENT AMOUNT
Actors Federal Credit Union	\$3,984,840.00
ADP Federal Credit Union	\$240,000.00
ALPS Management, Inc.	\$101,561.79
Amalgamated Life Insurance Company	\$80,004.39
Bush Capital, LLC	\$190,000.00
Cardtronics USA, Inc.	\$7,981,140.00

Clothing Emporium, Inc.	\$106,320.30
CUMIS Insurance Society, Inc.	\$520,000.00
Department of Veterans Affairs Federal Credit Union	\$155,194.00
Four M Food Service	\$22,105.31
Golden Krust Caribbean Bakery and Grill	\$15,772.83
Greater Metro Federal Credit Union	\$60,000.00
Metro-North Commuter Railroad Company	\$7,082.71
MobileMoney	\$337,720.00
Money Spot, Inc.	\$170,000.00
Moneygram International, Inc.	\$6,796,542.84
National ATM Services, Inc. and Town ATM Corp.	\$152,000.00
New York City Health and Hospitals Corporation	\$94,530.12
New York Community Bank	\$100,000.00
New York University	\$19,713.00
Northeast Alliance Federal Credit Union	\$565,462.93
Those Interested Underwriters Numbered B0702BB008120Y and UM00018767SP09A, as Subrogees and Assignees of U.S. Bancorp	\$17,009,090.00
Trans Fast Remittance, LLC	\$102,281.91
Trustees of Columbia University in the City of New York	\$200,000.00
U.S. Courthouse SDNY Federal Credit Union	\$90,000.00
Village of Elmsford	\$30,146.61

WR Management and C-Town Supermarket	\$9,000.00
XL Specialty Insurance Company and Starnet Insurance Company, as Subrogees and Assignees of Wilmington Savings Fund Society	\$4,721,440.00

The following petitioners, and the claim amounts in their petitions, have not entered into settlement stipulations and will be moving for summary judgment (the "Non-Settling Petitioners"):

NON-SETTLING PETITIONERS	AMOUNT OF CLAIM
Capital One, N.A.	\$364,400.00
Denburg Pizza, Inc., d/b/a Domino's Pizza and James Denburg	\$13,420.00
Dominos Pizza and Tony Maestri	\$30,668.40
Insera Supermarkets, Inc., LML Supermarkets, Inc., and Shoprite of Garnerville, Inc.	\$146,984.84
Mahopac National Bank	\$404,000.00
Smithfield Associates d/b/a Pastis and Windy Gates, Soho, Inc., d/b/a Balthazar	\$19,802.00
Sultana Distribution Services, Inc.	\$51,244.56
TOTAL	\$1,030,519.80 (the "Non-Settling-Petitioners Amount")

The following petitioners, whose petitions have been rejected by the Court, have filed appeals in this matter (the "Appealing Petitioners"):

APPEALING PETITIONERS	AMOUNT OF CLAIM
Carver Federal Savings Bank	\$850,000.18
Known Litigation Holdings, LLC, as assignee of Domestic Bank	\$3,324,520.00
TOTAL	\$4,174,520.18

The Appealing Petitioners agreed at a December 22, 2011 conference in this ancillary proceeding that only a pro rata reserve of their claimed amount should be held pending resolution of their pending appeals.

The following is the amount that should be held in reserve from the initial distribution for the Appealing Petitioners pending resolution of the Appealing Petitioners's appeals:

APPEALING PETITIONERS	APPEALING PETITIONERS <u>PRO RATA</u> AMOUNT
Carver Federal Savings Bank	\$301,630.38
Known Litigation Holdings, LLC, as assignee of Domestic Bank	\$1,179,736.51
TOTAL	\$1,481,366.89 (the "Appealing Petitioners <u>Pro Rata</u> Amount")

The total amount of funds that should be held back from the initial distribution to the Settling Petitioners from the

Remaining Seized Currency is \$2,511,886.69 in United States currency, which represents the Non-Settling-Petitioners Amount (\$1,030,519.80) plus the Appealing Petitioners Pro Rata Amount (\$1,481,366.89). Therefore, \$15,564,816.03 in United States currency from the Remaining Seized Currency is available immediately for distribution to the Settling Petitioners.

In consideration of the above, it is hereby ordered that:

1. \$2,511,886.69 in United States currency from the Remaining Seized Currency shall be held back in reserve from the initial distribution to the Settling Petitioners.

2. The United States Marshals Service shall make an initial distribution from the Remaining Seized Currency to the following Settling Petitioners in the respective amounts indicated in the "Pro Rata Distribution Amount" column below, along with imputed interest to the Settling Petitioners from February 26, 2010 through the date of disbursement:

SETTLING PETITIONERS	SETTLEMENT AMOUNT	<u>PRO RATA</u> DISTRIBUTION AMOUNT
Actors Federal Credit Union	\$3,984,840.00	\$1,414,057.14
ADP Federal Credit Union	\$240,000.00	\$85,166.21
ALPS Management, Inc.	\$101,561.79	\$36,040.14
Amalgamated Life Insurance Company	\$80,004.39	\$28,390.29
Bush Capital, LLC	\$190,000.00	\$67,423.25
Cardtronics USA, Inc.	\$7,981,140.00	\$2,832,180.96

Clothing Emporium, Inc.	\$106,320.30	\$37,728.74
CUMIS Insurance Society, Inc.	\$520,000.00	\$184,526.78
Department of Veterans Affairs Federal Credit Union	\$155,194.00	\$55,072.02
Four M Food Service	\$22,105.31	\$7,844.27
Golden Krust Caribbean Bakery and Grill	\$15,772.83	\$5,597.13
Greater Metro Federal Credit Union	\$60,000.00	\$21,291.55
Metro-North Commuter Railroad Company	\$7,082.71	\$2,513.36
MobileMoney	\$337,720.00	\$119,843.05
Money Spot, Inc.	\$170,000.00	\$60,326.06
Moneygram International, Inc.	\$6,796,542.84	\$2,411,815.76
National ATM Services, Inc. and Town ATM Corp.	\$152,000.00	\$53,938.60
New York City Health and Hospitals Corporation	\$94,530.12	\$33,544.88
New York Community Bank	\$100,000.00	\$35,485.92
New York University	\$19,713.00	\$6,995.34
Northeast Alliance Federal Credit Union	\$565,462.93	\$200,659.72
Those Interested Underwriters Numbered B0702BB008120Y and UM00018767SP09A, as Subrogees and Assignees of U.S. Bancorp	\$17,009,090.00	\$6,035,832.09
Trans Fast Remittance, LLC	\$102,281.91	\$36,295.68
Trustees of Columbia University in the City of New York	\$200,000.00	\$70,971.84
U.S. Courthouse SDNY Federal Credit Union	\$90,000.00	\$31,937.33
Village of Elmsford	\$30,146.61	\$10,697.80

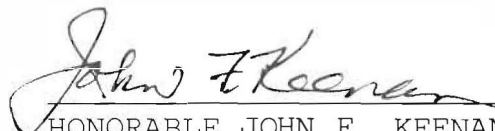
WR Management and C-Town Supermarket	\$9,000.00	\$3,193.73
XL Specialty Insurance Company and Starnet Insurance Company, as Subrogees and Assignees of Wilmington Savings Fund Society	\$4,721,440.00	\$1,675,446.43

3. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

4. The Clerk of the Court shall forward three certified copies of this Order to Assistant United States Attorney David I. Miller, One St. Andrew's Plaza, New York, New York 10007, and to the United States Marshal for the Southern District of New York, Joseph R. Guccione.

SO ORDERED.

Dated: New York, New York
January 18, 2012


HONORABLE JOHN F. KEENAN
UNITED STATES DISTRICT JUDGE